

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DAVID AGOADO, LEEANN MCNALLY, CRAIG MOORE, CHRIS PIERRE, THOMAS SHARKEY, and DOREEN VAZQUEZ, individually and on behalf of all others similarly situated,

Plaintiffs,

V.

MIDLAND FUNDING, LLC, MIDLAND FUNDING, LLC DBA IN NEW YORK AS MIDLANDFUNDING OF DELAWARE, LLC, and MIDLAND CREDIT MANAGEMENT, INC.,

Defendants.

Index No.: 14-cv-00018-JMA-AKT

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ MAR 01 2016 ★

LONG ISLAND OFFICE

FILED VIA ECF

STIPULATION AND ~~RECEIPT~~ ORDER TO AMEND CAPTION

WHEREAS Plaintiffs David Agoado, LeeAnn McNally (formerly Derosa), Craig Moore, Chris Pierre, Thomas Sharkey, and Doreen Vazquez (“Plaintiffs”), and terminated plaintiff Madge Shipman, filed their Second Amended Complaint (the “SAC”) in the above-captioned action on August 19, 2014 (Dkt. No. 45);

WHEREAS Defendants Rubin & Rothman, LLC, Forster & Garbus LLP, Cohen & Slamowitz, LLP, and Pressler and Pressler LLP (the “Attorney Defendants”) were named as Defendants in the allegations of the SAC, but the Attorney Defendants’ names were inadvertently omitted from the caption;

WHEREAS during the Motion Hearing/Status Conference in the above-captioned action held on December 10, 2015, Judge Tomlinson observed that the SAC's caption does not include the Attorney Defendants, and that as a result, the Attorney Defendants are listed on the case docket as "terminated" parties by the Clerk's Office;

WHEREAS, by the Civil Conference Minute Order dated December 23, 2015 (the “Civil Conference Minute Order”) (Dkt. No. 106), and by the Court’s Order dated January 25, 2016 (Dkt. No. 111), Judge Tomlinson instructed Plaintiffs’ counsel to address the issue;

WHEREAS on January 5, 2016, this Court So-Ordered the voluntary dismissal of Plaintiff Madge Shipman (Dkt. No. 107);

IT IS HEREBY STIPULATED AND AGREED by and between the parties below and/or their respective counsel that the caption of this action be amended to add Defendants Rubin & Rothman, LLC, Forster & Garbus LLP, Cohen & Slamowitz, LLP, and Pressler and Pressler LLP, without prejudice to any of the proceedings had herein or to be had herein, as follows:

DAVID AGOADO, LEEANN MCNALLY, CRAIG)
MOORE, CHRIS PIERRE, THOMAS SHARKEY,)
and DOREEN VAZQUEZ, individually and)
on behalf of all others similarly situated,)
)
Plaintiffs,)
)
v.)
)
MIDLAND FUNDING, LLC, MIDLAND)
FUNDING, LLC DBA IN NEW YORK AS)
MIDLANDFUNDING OF DELAWARE, LLC,)
MIDLAND CREDIT MANAGEMENT, INC.,)
RUBIN & ROTHMAN, LLC, FORSTER & GARBUS)
LLP, COHEN & SLAMOWITZ, LLP, and)
PRESSLER AND PRESSLER LLP)
)
Defendants.)
_____)

Dated: New York, New York
February 4, 2016

STIPULATED AND AGREED:

FRANK LLP

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Attorneys for Pressler & Pressler LLP

IT IS SO ORDERED.

Entered this 1st day of March, 2016

s/ Joan M. Azrack
Hon. Joan M. Azrack, U.S.D.J.